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U. S. DEPARTMENT OF AGRICULTURE

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STATE FORESTRY LAWS OF 1921

JEANNIE S. PEYTON

Law Compiler, Forest Service

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STATE FORESTRY LAWS OF 1921.

REVIEW OF STATE FORESTRY LEGISLATION OF 1921.

The year 1921 was one of large opportunity in the way of legislation throughout most of the country, as nearly all of the legislatures held regular sessions. Opportunity was taken advantage of by many of the States to broaden out and strengthen their forestry activities—emphasis being laid especially upon measures calculated to insure safeguarding the forests from fire. Action to that end was widespread, and in various quarters emphatic. The most important of these new provisions will be found summarized in the synopsis of laws of 1921 on page 4.

From this summary it will be seen at a glance that an advance movement prevailed very generally—much of the legislation concerning itself with matters of fundamental importance. For instance: Certain of the States reorganized their forestry administrative machinery in a way which enlarged their activities considerably, while in a number of cases liberal appropriations distinguished the provision made for conducting the work, especially in respect to combating forest fires and also in providing increased compensation for administrative officers. The advantage of making provision for meeting offers of Federal cooperation in the matter of handling fires and the work of reforesting denuded lands was also more generally recognized. In various quarters the need for State forests received attention. To some extent the question of providing a better form of forest taxation was given consideration by certain States.

This progressive movement, observable in many directions, appears to indicate that, as the result of nearly a quarter of a century's work in developing forest policies, it is becoming more generally appreciated among the States that the point has been reached when a more closely integrated forest policy is needed as a basis for State forestry legislation throughout the country. This broader viewpoint has naturally been forced to the front by the exigencies of the case in dealing with conditions of a far-reaching nature—such, for instance, as those involved in the regulation of stream flow and in efforts to hold in check fire hazards liable to be created by railroads and lumbering operations. It is noticeable that recognition of the fact

that streams in taking their seaward course disregard the frequent necessity of having to cross a number of States, and that locomotives are, likewise, equally oblivious of the same fact, has necessarily brought about, in various States, a considerable degree of similarity in shaping legislation on the subjects of conservation of water flow, and fire protection along railroads. It is also becoming more and more apparent that the necessity for controlling fire waste resulting from lumbering is working to the same unifying end, for while it is very generally appreciated that brush and slash disposal is an essential feature of the operations, at the same time it is also realized that the cost attendant upon such disposal operates to cut down the margin of profits, which, of course, renders concert of action in the matter on the part of the various States essential in the adjustment of trade conditions. In other words the States are now rapidly awaking to an appreciation of the fact that correlated action on their part in the work of developing a reasonable coordination of forest activities throughout the country is the only sufficient solution of many of the problems involved in the protection of their timber supplies. To secure, therefore, full play of action, the matter of forest activities distributed over the country requires to be planned for and dealt with, in each State, with a view to its constituting therein a well-balanced portion of a general country-wide policy. It should fit into the general scheme. This much is plain. From which it follows that to arrive at any just conclusion as to the full reach and compass of this recent legislation we need to discern clearly the extent to which certain legislative features have become, more or less, common to all the States containing considerable forest areas. To enable us to do this, the following may be cited as among the features which the Forest Service has summarized as being most prominent:

(1) Adequate organized protection of all forest lands (including cut-over and unimproved lands) during fire hazard seasons; police regulations for control of fire in connection with railroad or other industrial operations near forest lands, clearing, slash disposal, and, in general, all fires in the open.

(2) Recognition of forest lands as public utilities, involving: (a) Establishing the responsibility resting upon owners of forest lands to comply with requirements of law for the protection of such lands from fire, and for the growing of timber upon the portions not suited for other purposes; (b) the reciprocal obligation resting upon the public to create the economic conditions needed to make it practicable and reasonable for the owners to comply with such requirements, this mutual responsibility being based upon the broad principle of compensation for public services.

(3) Requirement that every forest owner bear his proportionate share of the expense of forest fire protection—the State to be responsible for about half the cost, with the aid of the Federal Government.

(4) Classification as “forest lands” of all timber lands and cut-over lands, in either State or private ownership, which are not required for uses other than timber growing, and control of the same by the State forest organization, as far as it deems necessary to prevent devastation.

(5) The State forest organization should be preferably a non-partisan commission, representing the public, forest owners, and other interests or organizations concerned with timber production, and should be given the necessary powers and funds to enable it to function.

(6) Provision for the establishment and administration of public forests, both State and municipal.

(7) Revision of State tax laws, with a view to substituting for certain features of the general property tax which operate to discourage the growing of timber, others which are better suited to the economic needs of this long-term crop.

Tested by these essential features, the 1921 legislation (see Synopsis, p. 4), when taken in connection with legislation on the subject already in operation in the States concerned, may be said, on the whole, to be fairly encouraging. A number of the States are clearly forging ahead along some of the above-indicated lines. And it may be well to add that the progress made by the leading States already furnishes, to a certain extent, a nucleus in a country-wide forest policy. As such it has, at this time, a very pronounced value to the country at large. Various States are also making notable efforts along certain of the lines indicated, but, as yet, have made no great effort at coordinating their activities to fit in with the scheme outlined above, and, consequently, can not be said to have advanced much beyond the stage of a State-wide policy. Some of the remaining States do not, so far, appear to count as active promoters of a forestry movement that may even be called State-wide.

All of which points, unmistakably, to the fact that there still remains much work ahead of the various State forestry organizations and the legislatures in order to stimulate and unify the forestry activities of the States and practically weld them into one comprehensive movement in the interest of preventing further devastation of our forests and of putting all idle forest lands to work growing timber.

SUMMARY OF THE MOST IMPORTANT PROVISIONS¹ OF THE STATE FORESTRY LAWS OF 1921.

CALIFORNIA.

Chapter 871. Provides for the purchase by the State Board of Forestry of certain timber lands, adjacent to the State highway, in Humboldt and Mendocino Counties; empowers the board to secure the same through either purchase or condemnation proceedings; and also to receive for the State gifts of timber lands therein, or contributions toward the purchase and care thereof; vests the board with power and control over both the lands and the funds provided therefor; and allows the board, out of the moneys so appropriated, all expenses requisite to carrying out the purposes of the act, including traveling expenses.

Chapter 705. Authorizes the State Board of Forestry to accept deeds and conveyances of land in the name of the State, for park purposes, and empowers the board to manage and control the same.

Chapter 282. Makes provision for cooperation with the Forest Service of the United States Department of Agriculture, upon a basis of mutual expenditures, in the work of preventing forest fires and protecting the timber and brush and other growth on the watersheds embraced within the San Bernardino Mountains in the State of California; and empowers the State Board of Control to enter into the necessary contract or contracts with the Forest Service, conditioned upon the Forest Service making its required contribution.

Chapter 304. Makes provision for cooperation with Los Angeles County, upon a basis of mutual expenditures, in the construction and maintenance of fire lines and fire trails on the mountains composing the watersheds of Los Angeles County which are not included within the area of a National Forest; empowers the State Board of Control and the board of supervisors of Los Angeles County to enter into the necessary contract with each other; and provides that the amount to be furnished by the State shall not exceed, in either of the fiscal years, \$10,000.

Chapter 289. Makes provision for cooperation with the San Antonio Fruit Exchange, upon a basis of mutual expenditures, in the prevention of forest fires, and construction and maintenance of fire trails and fire breaks in the San Gabriel Canyon in the San Gabriel Mountains, Calif., and the canyons adjacent thereto; empowers the State Board of Control to enter into the necessary contract or contracts with the San Antonio Fruit Exchange, conditioned upon advance deposits by the collaborating parties; and provides that the moneys appropriated shall be expended under the direction of the State forester.

Chapter 288. Makes provision for cooperation with the San Antonio Fruit Exchange, upon a basis of mutual expenditures, in the prevention of forest fires, and the construction and maintenance of fire trails and fire breaks in the San Antonio Canyon in the San Gabriel Mountains, Calif., and the canyons adjacent thereto; and empowers the State Board of Control to enter into the necessary contract, or contracts, with the San Antonio Fruit Exchange,

¹ Provisions concerned with salary increases only, and also transitory provisions of law, including those concerning annual or biennial appropriations, are not compiled in this circular.

conditioned upon contribution by the collaborating parties of an amount equal to the appropriation made therefor.

Chapter 290. Makes provision for cooperation with the San Antonio Fruit Exchange, upon a basis of mutual expenditures, in the prevention of forest fires, and the construction and maintenance of fire trails and fire breaks in the San Dimas Canyon in the San Gabriel Mountains, Calif., and the canyons adjacent thereto; empowers the State Board of Control to enter into the necessary contract, or contracts, with the San Antonio Fruit Exchange; conditions the appropriation upon advance deposits by the collaborating parties; and provides that the moneys appropriated shall be expended under the direction of the State forester.

Chapter 284. Makes provision for cooperation with the Tamalpais Forest Fire District, upon a basis of mutual expenditures, for the purpose of preventing forest fires and the construction and maintenance of fire trails and fire breaks in the Tamalpais Forest Fire District in Marin County, Calif.; and empowers the State Board of Control to enter into the necessary contract, or contracts, with the Tamalpais Forest Fire District, conditioned upon contribution by the said district of an amount equal to the amount appropriated.

Chapter 521. Changes the boundaries of the Tamalpais Forest Fire District, in Marin County, Calif., and provides for the inclusion of additional territory therein.

Chapter 891. Declares the existence, upon any suburban house site, villa lots, or town lots in any unincorporated town, of inflammable grass, weeds, shrubs, or other vegetable matter, except such as are grown for food or fuel, which constitute a fire menace, to be a public nuisance; provides for abatement of the nuisance, and for collection of the cost of abatement through a lien upon the land; and excepts from the provisions of the act all ranch land or unsubdivided acreage used for farming or stock raising.

Chapter 93. Makes courses in fire-prevention study compulsory in all elementary, secondary, and normal schools of the State.

Senate Concurrent Resolution No. 27. Directs the State Board of Forestry to examine denuded areas in the State, and report thereon to the legislature at its next regular session, with a plan whereby the lands may be reforested or otherwise covered with protective vegetation.

CONNECTICUT.

Chapters 193, 288. Amend section 2174, General Statutes, and thereby change the designation of the State Park Commission to read State Park and Forest Comm'ssion—the commission to consist of five members, to serve without compensation, other than expenses; two of them to be appointed by the governor with the advice and consent of the Senate, and in addition thereto the forester of the Connecticut Agricultural Experiment Station, the highway commissioner, and the commissioner of motor vehicles to be ex officio members; empower the commission to appoint, and fix the salary (subject to the approval of the board of control) of a trained State forester, with not less than two years' professional experience in forestry work, who shall give bond in \$5,000, and shall hold office during the pleasure of the commission, may attend all the meetings of the commission and shall be responsible to it for the performance of his duties, and also empower the forester to enforce the laws for the protection of forests and to discharge all duties relating to forestry; make provision for hiring field and office assistants, necessary publication of State

forestry laws, reports, etc., and manner of disbursements by the State forester; require that the acquirement of lands for State forests shall be under approval of the commission; and authorize cooperation: (a) with the Federal Government for the promotion of forestry work, and (b) with State departments and institutions, and with municipalities, in the preparation of plans for the protection and management of publicly owned wood lots or timber tracts, the establishment of forest plantations, and the marketing of forest products.

Chapter 213. Amends certain provisions concerning firewardens, chiefly as follows: By providing that the State forest firewarden shall divide the State into fire districts and appoint therein necessary town and district firewardens (not exceeding 250), to serve for a year, who shall operate under his direction; empowers such wardens to appoint deputies, with the approval of the State forest firewarden; provides that said wardens and deputies shall receive 50 cents per hour for time actually employed on official duties and that the compensation of fire-fighting laborers shall be fixed, by the said State forest firewarden, at not to exceed 35 cents per hour; and requires that all expense accounts of wardens shall be submitted to the State forest firewarden and, if approved by him, be paid by the State, subject to the following conditions in the case of services: (a) Other than for forest fire fighting the State forest firewarden shall add to each semiannual bill the amount of \$5;² (b) For forest fire fighting (except fires set by railroads outside of their rights of way), the State shall be reimbursed, by the counties concerned, to the extent of half the amount so paid; (c) For railroad fires, as above indicated, the railroads are required to refund to the State the full amount so paid.

Chapter 117. Amends section 2168, General Statutes, to permit the purchase, for State forests, of lands suitable for the growth of "timber," instead of confining such purchases, as heretofore, to lands suited to the growth of "oak, pine, or chestnut lumber;" also expands its provisions to include the acceptance of gifts of lands, without cost therefor; and omits the former provisions allowing the exchange of purchased lands with adjoining proprietors, or the sale of portions thereof; and also omits the requirement concerning payment by the State forester of the town taxes upon the lands.

Chapter 364. Amends section 1424, General Statutes (concerning the disposal of cut brush or tree growth which is allowed to remain within 15 feet of the traveled portion of any highway), as follows: (a) By placing the matter of jurisdiction, in respect to compelling disposal of the material, mainly in the hands of the State forester; (b) By authorizing the order of removal to be served upon, not only the owner of the land, but also upon the lessee, tenant, or occupant thereof; (c) By diminishing, from 30 days to 10 days, the minimum period allowed to elapse between service of such order and the time of removal; (d) By increasing the amount of the fine imposed from \$25 to \$100; (e) By omitting the provision for imprisonment; and (f) By making the violator liable for any expenses incurred by the town or State in removing the material.

DELAWARE.

Chapter 39. Amends chapter 23 of the Revised Code of the State of Delaware by repealing 714 section 1 to 727 section 14, inclusive, and thereby abolishing the State Board of Forestry, and inserting in lieu thereof a section reading as follows: "714 Sec. 1. The State Board of Agriculture shall have

² This is apparently an allowance in lieu of miscellaneous incidental expenses, such as postage, the time devoted to correspondence work, and the like.

power to conserve the forests and timber lands of this State and to make rules and regulations for their conservation and protection."

FLORIDA.

Chapter 8414 (19). Declares fire in the Everglades Drainage District a "common enemy," and, in consequence, prohibits the setting or starting of fire therein by any person, firm, or corporation, except as hereby provided, the prohibition including specifically the following acts: Clearing of lands by fires, setting of field, forest, or prairie fires, abandoning or leaving unguarded any camp fire, encouraging new pastures by firing lands and smoking out or driving out game by fire; makes landowners and others responsible for the existence of fires within the district, and requires them to prevent the starting and spread of fires, and to render assistance in extinguishing such as may occur, regardless of whether caused by them or not; forbids proprietors of lands and others to have brush heaps or other accumulations of inflammable material exposed to fire danger, or so located as to facilitate the spread of fire to other property; provides that all such material resulting from clearing the land shall, when collected in piles, be protected from fire by clearing the land around the same to prevent the spread of fire therefrom, and requires that such heaps shall be burned or otherwise disposed of, as shall be directed by notice or order from the firewarden of the district; makes it unlawful to accumulate any such material within 100 feet of any highway, road, or canal bank; requires that the burning of all brush or trash, and the clearing by fire of fields, woods, prairie, or other lands shall be done by the firewarden or his deputies, or under a permit or order therefrom, and under prescribed rules and regulations; authorizes the governor to appoint a firewarden upon recommendation of the board of commissioners of said district; empowers said board to both fix his compensation and provide the same;³ makes provision also for deputy firewardens for the district, and authorizes the board to establish fire patrols therein, and to procure necessary services of persons for fire prevention and control, and also other labor, teams, equipment, etc., and to provide compensation therefor;³ stipulates that no one shall receive compensation for services rendered on lands owned or occupied by him; empowers the board to adopt and publish rules and regulations, under the act, having the force of law; requires that, at proper periods of the year and under favorable conditions, the firewarden or his deputy shall permit, authorize, order, or require, under penalty, the burning of field, woods, prairies, brush heaps, or other inflammable material, by the owner, proprietor, lessee, tenant, or other occupant of such lands—such permit, authority, or requirement not to relieve the party, however, from any civil liability for damages which may result from carelessness or neglect on his part in setting, looking after, or guarding the fires; also authorizes the firewarden to require such parties, under penalty, to dispose of, by burning or otherwise, such material as may be deemed to constitute a fire menace; vests the firewarden and his deputies with the necessary police powers to enable them to enforce the act; provides for rewards thereunder, and prescribes penalties for violations thereof; makes it the duty of local sheriffs and their deputies to duly cooperate with the firewarden and his deputies; and requires the proper State and county attorneys to prosecute violators.

³ The act contained in ch. 8412 (17), Laws 1921, makes provision for an annual maintenance tax of 1 mill on each dollar of valuation, levied upon all real and personal property within the Everglade Drainage District of Florida, to be used for "maintenance, repairs, upkeep, and any other general or necessary purpose of the District."

Chapter 8564 (No. 169). Empowers the United States to acquire lands in the State of Florida by purchase or otherwise for establishing, consolidating, and extending national forests, and grants to the United States all rights necessary for the proper control and administration of lands so acquired.

GEORGIA.

Act No. 232. Creates an investigative committee, to be known as The Georgia State Board of Forestry, composed ex officio of the governor, secretary of state, state superintendent of education, state geologist, director of extension, and four (4) other citizens of the State, to be appointed by the governor as follows: One (1) representing the State Federation of Woman's Clubs, and three (3) representatives of timberland owning, lumbering, lumber manufacturing, or forest products interests within the State; the governor to be president of the board, and the secretary of state, the secretary thereof—all members to serve without compensation; and requires the board to investigate and report with recommendations to the general assembly of Georgia upon the condition of the State's forest resources and timber supply, its idle lands suitable for reforestation, benefit derived from existing forest laws, and all matters pertaining to forest protection in the State; and also benefits to be derived from Federal aid for forest protection and conservation.

IDAHO.

Chapter 38. Amends certain of the provisions concerning application for permit to cut trees on State lands so as (a) to read "purchase timber," instead of "cut trees;" (b) to require the successful bidder to give bond conditioned upon compliance with rules and regulations by the State Board of Land Commissioners in respect to the cutting and removal of the timber and disposal of slashings and débris, and the protection from fires or other damage of all trees or timber reserved from sale, as well as compliance with such other conditions as may be imposed by the said board with reference to any particular tract of timber sold, subject, however, to the proviso that such provision shall not prohibit the board from offering for sale, or selling timber without application having first been filed—which authority is expressly given the board; (c) to provide for protests by the commissioner of reclamation, when necessary, to prevent interference with the conservation of the irrigation waters of any watershed; (d) to change certain of the requirements in connection with action by the board upon application, and to require the board to determine the trees or timber to be reserved on the lands; (e) to change also the proceedings concerning methods of effecting the sales of timber in such cases; and (f) to further provide that the bond required of all persons cutting trees (changed to read "timber") upon State lands shall be conditioned upon carrying out in good faith all the laws applicable thereto, and also all terms and conditions imposed by the board.

ILLINOIS.

An act (see p. 467 of vol. of Sess. Laws of 1921) amending the Forests Preserve Districts Act (L. 1913, p. 385) as follows: (a) To permit the acquirement of lands connecting the forests or parts thereof which compose forest preserves; (b) to require, in cases in which the boundaries of a forest preserve district are coterminous with those of a county of the third class, only a three-fourths vote of the members of the board of commissioners of such a district for the passage of an ordinance to effect the sale or disposal of any lands acquired by

the board—and also so as to dispense with the former requirement for approval of the transaction by the board of county commissioners or the board of county supervisors; and (c) to require in all cases, that land shall not be sold for less than the district has paid therefor, and also to insure to the board of commissioners the power to dedicate land for public purposes by means of the same procedure as therein provided in the case of sales of lands. In connection with the provision requiring that the amount of taxes levied by the board of commissioners of any such district shall not exceed 1 mill on each dollar, there is also inserted after the term “each dollar” the words: “of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes.”

INDIANA.

Chapter 210. Classifies and assesses certain forest lands (minimum area, 3 acres) as “forest plantations” and “native forest lands.” for the purpose of taxation; and in so doing defines in detail the kind of trees and the extent of planting requisite in each instance, and requires in the case of a tract of native forest lands that, in order to be deemed fully stocked, it shall contain at least 1,000 timber trees per acre (exclusive of pomaceous trees); and makes provision (a) for *application* by owners to the state forester for classification of tracts—which application shall include a required survey of the land, and also an appraisalment thereof at its true cash value, exclusive of the standing timber thereon—but including any mineral, stone, oil, or gas value thereon; (b) for *classification* thereof, by the state forester, as either forest plantation, or native forest land; (c) for *assessment* thereof at the rate of \$1 per acre; (d) for *withdrawal* from classification by the owner at any time upon submitting application therefor to the state forester, accompanied by a second appraisalment of the land; (e) for an *increment tax*, in cases of withdrawal from classification, the amount of the tax being the difference between the two appraisalments; (f) for *distribution* of the increment tax as follows: 25 per cent to the State, 50 per cent to the county, and 25 per cent to the township, the tax to be a lien upon the land, and collected, in event of default of payment, as delinquent taxes; and (g) for *cancellation* of classification when the owner refuses to comply with the provisions of the act, the state forester being required in such event to file a withdrawal notice with both the county auditor and the owner and proceed to have the land withdrawn from classification. Various other details in the act provide chiefly as follows: That when oil, gas, coal, or other material is obtained from such classified lands the tract may be assessed therefor; that special permits may be issued to the owner in connection with the management thereof; that no land shall be classified that has buildings thereon, but the owner may operate a sawmill or maintain a sugar camp thereon, but no grazing shall be allowed; and that due inspection and reports shall be made.

Chapter 121. Creates an emergency and contingent fund for various named public activities, including the purchase and development of land for State parks or forestry extension; provides that the fund shall be used only upon the authority of a committee composed of the governor, the members of the legislative visiting committee of 1921, and the ranking Democratic member of the senate finance committee; and makes provision for compensation of the committee, and other details.

Chapter 170. Amends section 2 of the act creating a department of conservation (chap 60, L. 1919), so as to allow the members of the conservation commission a per diem of \$10, in addition to traveling and other expenses, when engaged upon official duty.

LOUISIANA.

State Constitution, adopted June 18, 1921. Provides concerning matters affecting forestry as follows: That the governor shall, with the advice and consent of the senate, appoint, for a term of four years, a commissioner of conservation, who shall be a member of the executive department, and shall receive a salary of \$5,000 and no other compensation (Art. V, secs. 1, 18, 20); and that the natural resources of the State shall be protected, conserved, and replenished, and shall, for that purpose be placed under a department of conservation thereby "created and established," which shall be directed and controlled by said commissioner, who shall have such power as may be prescribed by law; and it is required that forestry shall be practised in the State under the direction of the department of conservation, and the legislature is empowered to enact the necessary laws (Art. VI, secs. 1, 2). It is also required that "all taxes shall be uniform upon the same class of subjects throughout the territorial limits of the authority levying the tax;" and for the purpose of encouraging the reforestation of denuded lands, authority is given to fix by contracts the assessed valuation of specific tracts of such lands for the duration of the agreements, under terms to be prescribed by law (Art. X, sec. 1). The State asserts a monopoly in respect to levying taxes on natural resources severed from the soil or water, and, in doing so, requires that no additional tax or license shall be levied or imposed upon oil, or gas leases or rights, nor shall any further value be added to the assessment of the land in consequence of oil or gas therein, with the proviso that existing laws on the subject shall remain operative until changed. It is also required that the legislature shall allocate a portion of the severance tax on oil or gas (not less than one-fifth of the amount collected in a parish) to the parish from which the tax is collected; provided, the amount so allocated shall not exceed \$200,000 to any parish in any one year (Art. X, sec. 21). After July 1, 1922, and until January 1, 1925, the said severance or license tax, up to \$5,000,000, goes to the support and improvement of the Louisiana State University and Agricultural and Mechanical College; provided, a sum not to exceed \$250,000 is first reserved, and appropriated, annually, for the supervision and collection of the tax or license, and for the administration of conservation laws (Art. XII, sec. 17).

MAINE.

Chapter 4. Amends section 61, chapter 8, Revised Statutes, 1916, by increasing the annual tax, on land within the Maine Forestry District, from 1½ to 2½ mills on the dollar.

Chapter 59. Expands the provisions of section 57, chapter 8, Revised Statutes, to authorize the forest commissioner to establish within the State one or more forest nurseries for the purpose of furnishing forest tree seedlings and transplants at cost of production for use in planting the waste and cutover lands of the State, and provides that the maintenance thereof shall be paid from the appropriation for that purpose.

Chapter 58. Amends section 69, chapter 8, Revised Statutes, 1916, by increasing the compensation of the chief forest firewarden from \$3 to \$4 per day; that of the deputy forest firewarden appointed by the forest commissioner, from \$2 to \$3 per day; and that of the patrolmen, from 20 cents to 30 cents, for each hour of service rendered.

Chapter 83. Amends section 70, chapter 8, Revised Statutes, 1916, to increase the compensation of persons who assist in controlling and extinguishing

forest fires within the Maine Forestry District from 20 cents to 30 cents for each hour of service rendered.

Chapter 61. Amends section 29, chapter 8, Revised Statutes, 1916, by giving selectmen of towns authority to appoint deputy forest firewardens therein, who shall be paid at the same rate as fixed for persons in the town assisting in the extinguishment of forest fires; increases the maximum compensation allowed persons so assisting in the extinguishment of fires from 20 to 30 cents per hour, with subsistence during service; and directs that such deputy forest firewardens, upon discovery of a fire, shall take necessary action for the control and extinguishment thereof.

Chapter 174. Further amends section 53, chapter 8, Revised Statutes, 1916, by requiring that persons, firms, corporations, or agents cutting any forest growth on property adjacent to woodlands owned by another within the State, outside the limits of the Maine Forestry District, and all such firms, persons, and corporations, who by themselves, their agents, servants, licensees, permittees, or lessees, operate, or permit operation of portable sawmills on land which border on woodland, shall dispose of the slash and débris resulting from the cutting in such a manner that inflammable material shall not remain on the ground within 50 feet of the line of cutting on the side or sides towards such woodland; which new provisions become also subject to the existing provision that permits must be secured from the forestry department for the burning of brush or slash, except when the ground is covered with snow; and the act is also further expanded to require that permits must be similarly secured for the burning of blueberry land when such land is adjacent to any forest growth, except when the ground is covered with snow.

Chapter 164. Requires that licenses shall be obtained, in advance, from the forest commissioner for the erection, or change of location, of portable sawmills, the fee being \$25 for the original license. Proper records of all licenses issued and of the applications are required to be kept by the commissioner and shall be open to inspection, and duplicate licenses are also furnished to municipal officers when the mills are located in towns. All licenses expire one year from date of issuance and they may also be suspended or revoked at any time by the commissioner or by forest firewardens in organized towns for violation of the slash laws or in times of drought when their operation would create an extra fire hazard. Portable sawmills erected without a license are declared to be a public nuisance without other proof than their use, and a fine of not to exceed \$500 is imposed upon violators of the act. All moneys accruing from the issuance of such licenses become a part of the State fund for the purchase of lands and general forestry purposes.

Chapter 78. Provides that State forests shall include all areas owned by the State which are either covered with trees or shall be planted to trees by the State, excepting lands owned by the State in the city of Augusta; requires that the State land agent shall, from time to time, recommend to the governor and council the acquirement of such tracts of land as will be most advantageous in preserving existing forests, and in reforesting barren areas and protecting the water supply of the rivers of the State; and directs acquirement thereof from time to time by the governor in the name of the State, as appropriations may permit; and gives the State land agent full charge of the same, including the power to reforest and regulate cutting thereon, and to furnish young trees at cost of production, to companies, firms, and individuals for planting. The act also further provides for the establishment and management of auxiliary State forests, and for subsequent withdrawal of land therefrom (in event of the land becoming more valuable for other purposes) upon payment of the tax on the

value of the trees thereon and of all State administration expenses incurred. **Auxiliary State forests are defined** as areas owned by corporations, firms, or individuals, which are either covered with trees or shall be planted to trees for use as fuel or for manufacture or sale, the owners of which shall, in cities and in organized townships, have filed application for such classification with the assessors and State land agent, or, in unorganized townships, with the State land agent. The area of a town that, in any one year, may be admitted as a part of the auxiliary forests of the State is restricted to not to exceed 10 per cent of the total area of the town, in event of protest being received by the local assessors within 10 days of the date of the application for classification. Owners are required to procure, in advance, licenses from the State land agent to conduct lumbering operations on such forests for commercial purposes, in accordance with prescribed cutting rules; and restrictions are imposed upon cutting white pine trees from both the State forests and auxiliary State forests, as follows: None shall be cut under 10 inches in diameter, at 4 feet from the ground, except when necessary in clearing roads or yards during the operations, or from localities in which they are unduly exposed to destruction from winds, or for thinning purposes, and at least three pine seed trees are required to be left on each acre; with the alternative that, in place of complying with such restrictions, working plans prepared by the owners and approved by the State land agent may be followed. On auxiliary State forests all pine trees 16 inches and hemlock, spruce, and cedar trees 12 inches or less in diameter, 4 feet from the ground, are exempt from taxation. The land is appraised independent of growth and of any "great pond therein," and a tax is assessed thereon, upon a valuation not to exceed \$5 per acre, at the same rate as in the case of other property. After the timber is cut it pays a yield tax of one-half of 1 per cent the first year, 1 per cent the second year, $1\frac{1}{2}$ per cent the third year, and so on until it reaches 5 per cent the tenth year after classification, which maximum rate prevails thereafter. The payment is based upon a stumpage valuation of the timber determined by the assessors, and as an aid thereto the State land agent furnishes the assessors with copies of all licenses, cutting reports, etc. Payment of the tax is secured through a lien on the land, enforceable in favor of the town in incorporated places, or of the State in unincorporated places, in which latter areas provision is made for due credit being allowed the counties by the State. The State land agent is empowered, in carrying out the provisions of the act, to appoint necessary assistants, not exceeding five in number, and penalties are provided for enforcing the provisions.

MASSACHUSETTS.

Chapter 274. Expands the provisions of section 8, chapter 48, General Laws (concerning the appointments of forest wardens by mayors in cities and selectmen in towns), by directing the State forester, in event of failure on the part of the said officers to duly make such appointments, to notify them so to do; and in case of their failure to comply with such notice, within 14 days after receipt thereof, authorizes the State forester to appoint as forest warden in such city or town a suitable person, who shall be a resident thereof.

Chapter 252. Expands the provisions of section 11, chapter 40, General Laws, to provide that all forest fire equipment purchased thereunder by a town, with the approval of the State forester, shall be in the custody and care of the town forest warden; that the State forester or his deputies may inspect such equipment at such times as they may deem necessary; and that whenever it has been demonstrated to the satisfaction of the State forester that such equipment has been destroyed or has become unfit for use the town shall be

reimbursed by the State one-half the cost of replacing the same, provided that the amount paid to any one town in any one year shall not exceed \$50.

Chapter 485. Amends section 66, chapter 148, General Laws (which prescribes a penalty for liberating a fire balloon) by rewording the statement of the offense to read "whoever liberates *or flies* a fire balloon."

Chapter 271. The provision in section 10, chapter 132, General Laws, which requires that all deeds of reconveyance of lands acquired by the State for experiments in forest management shall contain a restriction prohibiting the cutting thereon of trees planted by the State, which are less than 8 inches in diameter at the butt, is amended by this act to make the restriction prohibit such cutting "except with the approval of the forester" (State forester). A new provision is also added, as follows: "The owner of any land heretofore repurchased under the provisions of said section 10 may, with the approval of the State forester, and subject to such conditions and restrictions as the State forester may impose, cut trees on such land, notwithstanding any restriction in the deed of reconveyance from the Commonwealth."

Chapter 238. Amends section 33, chapter 132, General Laws (concerning acquisition and reforestation of additional lands for State forests) by authorizing the State forester to employ temporarily such persons as foresters, assistant foresters, engineers, surveyors, forest fire observers, and foremen, as he deems necessary to assist him in carrying out his duties under said section; and by further providing that the employment of such persons shall not be subjected to civil service rules and regulations.

Chapter 344. Provides for the establishment of the Mohawk Trail State Forest; and in doing so empowers the commissioner of conservation to acquire by eminent domain, or by gift, purchase, or otherwise, such lands or interests therein as may be necessary for preserving the forest growth on the area lying on both sides of the State highway constituting the so-called Mohawk Trail, situated between the junction of the Cold and Deerfield Rivers and the village of Drury, and including between these points all land lying between the trail and the summits of the slopes and hillsides forming the valleys of Manning Brook, Black Brook, and Cold River, comprising a tract of between 4,000 and 5,000 acres; places the land under the control and management of the commissioner; gives him full and exclusive authority to grant permits to owners of adjoining land to do any necessary work in said forest, including grading, cutting trees, and the like, that may be essential for purposes of access thereto or communication with said land, and to revoke the permits, and also to grant and revoke permits or licenses for camp sites, and for the sale of merchandise along the highway or elsewhere within the forest; exempts the land from taxation, but requires that the State shall reimburse the towns in which the land is located for the resulting loss of taxable valuation, in the same manner and to the same extent as provided by sections 13 to 17, inclusive, of chapter 58 of the General Laws; and provides for the carrying out of the act that a sum not exceeding \$65,000 may be expended out of item 268 of the general appropriation act, with the proviso that the existing limitation of purchase price to \$5 an acre (see sec. 33, ch. 132, Gen. Laws) shall not apply to purchases made under this act.

Chapter 282. Amends section 15, chapter 58, General Laws (concerning reimbursement of towns for loss of taxes on State lands used for various public purposes, including State forests) by providing that the assessed valuation, as therein determined, of all such lands, every five years, beginning in 1925, shall, as to lands used for a State forest, be reduced by deducting therefrom the value of all forest products removed from such land between the first day

of April on which it was last assessed and the first day of April in the year for which the reimbursement is to be made, the amount thereof to be certified annually before the first day of May to the commissioner of corporation and taxation by the State forester.

MICHIGAN.

Act No. 17 (Reorganization act, as amended by Act No. 164, L. 1921). Creates a department of conservation for the State of Michigan, and vests the general administration of its powers and duties in a commission of conservation, composed of seven members, appointed by the governor subject to confirmation by the senate; authorizes the governor to designate the member to act as chairman of the commission; requires that the members be selected with special reference to their training and experience along the line of one or more of the principal activities of the department, and their fitness to deal therewith—each member to hold office until the appointment and qualification of his successor; provides that the governor shall, subject to confirmation by the senate, appoint a director of conservation, with an annual salary of \$5,000, and that the director shall appoint, with the approval of the commission, necessary assistants and employees—the number of same and their compensation to be subject to the approval of the State administrative board; stipulates that the members of the commission shall receive no compensation for their services under this act, but that they and also the other officers and employees of the department shall be entitled to reasonable traveling expenses in the discharge of their duties; requires that each member and the director of conservation shall take oath of office; transfers to and vests in the department of conservation the powers and duties previously vested in the public domain commission, the State game, fish and forest fire commissioner, the State board of fish commissioners, the board of geological survey, and the Michigan State Park Commission; abolishes said commissions, and boards, and the office of State game, fish, and forest firewarden; authorizes the adoption by the commission of necessary rules and regulations, governing its organization and procedure, and the administration of the provisions of the act. It is also made the duty of the department: To protect and conserve the natural resources of the State; to prevent the destruction of timber by fire or otherwise; to promote the reforestation of nonagricultural lands belonging to the State; to guard against the pollution of lakes and streams within the State; and to foster and encourage the protection and propagation of game and fish. The commission is authorized to accept gifts and grants of land and other property for any of the purposes contemplated in the act; and the department is required to make an investigation of the natural water power of the State remaining undeveloped, and to report thereon to the governor and legislature before January 15, 1923, showing the location and extent of such power, its availability for use, and such other facts as may be expedient. The director of conservation is also required to report, biennially, to the governor and legislature, upon the operation of his department.

Act No. 84 (Part IV, ch. 1, secs., 18, 19, 20). Concerning organization of domestic corporations. Provides that any foundation incorporated for the purpose of receiving and maintaining funds, and applying the income therefrom to promote the preservation and perpetuation of objects of historical and natural interest, shall be authorized to expend its funds and income as shall seem expedient to the trustees thereof for the purposes of the foundation, which purposes may include, among other things, the preservation

of forests; empowers such foundations to acquire and hold, for any of their objects and purposes, property, either real, personal, or mixed, and to convey such property, and invest the principal thereof, and to deal with and expend the income of a foundation in such manner as in the judgment of the trustees will best promote its objects; and also authorizes the charging of an admission fee to forest reserves, or similar charge for the purpose of paying the expense of maintaining the reserves.

MINNESOTA.

Chapter 409. An act affecting the "Five Mill Tax" provision in section 24 of chapter 125, Laws 1911; which section requires all towns, villages, and cities to take necessary precautions to prevent and control forest and prairie fires, and authorizes them to annually levy a tax of not more than 5 mills upon the taxable property of such municipalities, which tax, when collected, shall be known as the "Fire Fund," and used in paying all necessary and incidental expenses incurred in enforcing the act; and also further requires that "In all townships constituted within any of the forest patrol districts which may be established by the State Forestry Board, the respective town and village officers shall cooperate as far as possible with and act under the general supervision and direction of the State forestry officers;" under which provisions, moneys derived from said fire fund may be used for the construction of a township telephone line, after the proper forest officer has approved the construction of the line as being a necessary measure of fire prevention. Under the above-cited 1921 act, however, organized towns are now given authority to construct telephone systems for fire protection and various other public purposes by levying a similar annual tax of not to exceed 5 mills, without being required to secure, in advance, the approval of a forest officer.

Chapter 155. Empowers county boards within the State, upon receipt and approval of petitions therefor, to take action for fire protection on lands described in the petition, by the removal therefrom of trees, brush, stumps, and other similar substance which contribute to the danger that forest fires may prevent, or interfere with the use of said lands for agricultural purposes; and also authorizes the boards to levy and assess the cost of the work, including all expenses connected therewith, against the lands benefited, in proportion to the benefits received; and to issue bonds for the purpose of providing funds for the immediate payment thereof, or as otherwise provided in the act—with the proviso that no county may incur an indebtedness for the purpose of the act in excess of 10 per cent of its taxable valuation, exclusive of money and credits. Among important conditions contained in the act are the following: (1) That each of said petitions shall be signed by two or more landowners and shall include the owners of not less than 400 acres of land suitable for agricultural use, in the county affected by the proposed work—not less than 100 acres of which is to be subject to removal of trees, brush, etc., therefrom; shall also show the necessity for the work in the way of benefits which will result to the public therefrom; and shall pledge the petitioners to prepare the land for use and occupation for agricultural purposes; (2) that the total cost of the work, including damages, if any, shall not exceed 90 per cent of the total estimated benefits; (3) that all contracts, in addition to specifically providing for the removal of the trees, brush, etc., shall specify what disposition shall be made thereof, under directions from the county board, which may require that there shall be included in the contract a provision for the burning or destruction of

the material, its removal, in whole or in part, or for the use thereof, if practicable, "and where the material removed from any tract of land can be utilized for any purposes that result in an advantage to the owner of such land, the county board shall in said contract provide for the making such use of the trees or other products, the title to which upon severance from the land shall pass to the county, and all sums so realized shall be credited to the land from which it is taken and the assessment against such tract of land lessened to that extent"; and (4) that to prevent the return of land so cleared to its wild state and the consequent danger of forest fires, the county board may require that it shall be seeded to grasses and clover, when it appears that the owner does not contemplate cropping it at the next planting season following the completion of the clearing contract, and the cost of such seeding shall be assessed against the land so seeded.

Chapter 345. Creates a State park, in Itasca County, Minn., to be known as Scenic State Park; in which act the special provision is made that the State shall preserve intact the forest now growing in the park, and prohibits, under penalty, the cutting of any part thereof, except weak, diseased, or insect-infested trees, or dead and down timber; and requires that the net returns from the sales of timber therefrom of any description shall be turned into the State treasury.

MONTANA.

Chapter 193. An act under which all State forest officers are made ex officio deputy State fish and game wardens without pay, except that the State Fish and Game Commission may, in its discretion, allow actual and necessary traveling expenses, which, if allowed, shall be paid from the State fish and game funds; and, as such deputy wardens, are also given the same powers with reference to the enforcement of the fish and game laws of the State as regularly appointed deputy State fish and game wardens, and it is made their duty to assist, wherever possible, in the enforcement thereof, under penalty for failure to do so. (See secs. 14 and 30.)

NEBRASKA.

Chapter 16. Creates the conservation and survey division of the University of Nebraska with police power in connection with performing the following duties: To survey and describe the natural resources of the State, including forests, and compile, record, or publish information concerning the same; to investigate and report upon the conservation problems of the State; to appoint a member of the division State forester to assist in developing the forest resources and parks of the State; to prepare and exhibit lantern slides or pictures of the State's resources, and other educational films, etc.; and to appoint a chief or director of the survey division to direct the work of the division, subject to the approval of the regents. The division is also empowered to enter into such agreements with Federal departments as may be necessary to carry on cooperative surveys and investigations—the agreements to be subject to approval by the regents. All expenses incurred under the act are also subject to the approval of the regents, and are paid out of appropriations for such purposes.

NEW HAMPSHIRE.

Chapter 22. Requires, in connection with lumbering and other timber-cutting operations on pine woodlands (except when the leaving of seed trees would interfere with the clearing or improvement of the land), that at least

one pine tree (10 inches or over on the stump and of sufficient spread of crown to be wind firm and capable of producing an abundance of seed cones during the bearing years) be left standing, uncut, for at least 15 years after the operation of lumbering, upon every acre where pine trees represent 75 per cent, or more, of the total number of trees of merchantable size upon said acre—the trees so left to be the property of the landowner. Failure to comply subjects the violator to a fine, equivalent to \$5 per acre for every acre on which a pine seed tree has not been left as required, the fine to be credited to the forestry fund, and used by the State forester in reforesting the said acres. Advance notice to the State forester of intention to cut is required, under penalty of a fine of not to exceed \$100 for failure to file a statement upon complaint of the State forester. Examination, by the State forester, of all pine woodlands, during or immediately after lumbering operations, is required.

Chapter 28. Makes it compulsory upon owners of forest land of 1,000 acres or more in any one town or unincorporated place, or in a contiguous area, to provide therefor, during the danger season, adequate patrol against the spread of fire therefrom, to the amount of 1 cent per acre, per annum; and, in default of such action on the part of the owner, making it the duty of the State forester to provide such patrol, the cost of same to become a lien on the land.

Chapter 112. Expands the brush and slash disposal provisions (contained in sec. 6, ch. 155, L. 1913, as amended by L. 1915, ch. 100, and L. 1917, ch. 161), to empower the forestry commission to require the removal or disposal of lumber slash or other inflammable material within 100 feet of camps, through giving notice, in writing, to both the timber operator and the owner of the land, when in the judgment of the commission such material constitutes an unusual fire hazard endangering other property; and requires in such cases that the removal or disposal of the material shall be within a reasonable time, not exceeding 60 days from date of service of the removal notice; which additional provisions became automatically subject to the general provisions, requirements, and modifying conditions of the section which they expand.

Chapter 129. Provides for redistricting the State for forest-fire protection purposes.

Chapter 37. Designates the State treasurer as the custodian of the United States funds allotted for cooperative fire prevention or other work under the forestry department; and provides that the money so received shall constitute a continuous fund for purposes approved by the State forester, in accordance with terms and conditions of the department of agriculture.

Chapter 76. Amends the act relating to a lien on standing trees covered by mortgage (ch. 27, L. 1907) to provide, in substance, that, when standing trees have been mortgaged as real estate, the mortgagee's consent to cutting the same may be given and recorded; and the record of the mortgage and required affidavit filed with the town clerk shall extend the lien to cover said trees after they are cut, and the lumber therefrom, as fully as though the same had been mortgaged as personal property after cutting.

Chapter 168. A joint resolution accepting the gift, by Albert E. Pillsbury, of certain parcels of forest lands in Sullivan County, N. H., containing about 2,125 acres, known as Cherry Valley, to be used for forestry purposes.

NEW JERSEY.

Chapter 344. Amends section 13 of the forest fire act (ch. 123, L. 1906); which section concerns the issuance of process against violators of said forest

fire act, and also the hearings in the matter and judgment thereon. As so amended, the act now requires that the proceedings in such cases shall be "summarily" disposed of "without a jury."

Chapter 102. Creates a department of State police, and empowers them to cooperate with any other department or authority of the State or locality in detecting crime, apprehending criminals, and preserving law and order throughout the State; and also to act as wardens in the protection of the forests, with the proviso that they shall be employed primarily in furnishing adequate police protection to the inhabitants of the rural sections of the State.

Chapter 259. Amends the spark-arrester provision in the act to prevent the causing of forest fires by railroad engines (L. 1903, ch. 257, sec. 56), by omitting from the provision the words, "in the smokestack." As so amended, the said provision now reads to the effect that every company or person operating any railroad "shall provide such engine with a screen or cover so as to arrest and prevent, as much as practicable, the escape of fire."

NEW MEXICO.

Chapter 84. Directs the commissioner of public lands to keep the State timbered and cut-over lands in State ownership (except juniper and piñon woodlands and small isolated tracts) until Congress shall have made provision for exchange of such land for lands of the United States; reserves the right of lieu selections under sections 2275 and 2276, United States Revised Statutes; requires the commissioner to care for, sell, and otherwise administer the timber and timber products or other products upon the State lands under such rules and regulations as he may prescribe, conforming to the practices of good forestry; and authorizes him to cooperate with Federal or private agencies for the practice of forestry as well as for forest fire prevention and watershed protection.

Chapter 35. Empowers the State game commission to prohibit all hunting in periods of extreme forest fire danger, at such times and places as may be necessary to reduce the danger of destructive forest fires.

Chapter 33. Repeals certain statutes concerning forest and other fires in the open, and provides, in place thereof, penalties in the following cases: (a) For wilful or negligent setting of fire to any forest brush, or other inflammable vegetation without the permission of the owner (backfires properly set being excepted); (b) for carelessly allowing fire to escape to lands of another; (c) for burning brush, stumps, logs, fallows, grass, or stubble, without taking required precautions; (d) for failing to comply with requirement in connection with camp fires, or use of firearms, or for throwing down lighted cigars, cigarettes, or matches in forest material, and also for failure to equip properly with required spark arresters locomotive or other engines using fuel other than oil, on or near forest land,—the escape of fire from any such engine constituting prima facie evidence of liability under the requirement; declares fires, on any forested, cut-over or brush lands in the State, burning uncontrolled and without proper precautions to prevent the spread thereof, a public nuisance, makes provision for their abatement, and recovery of costs thereof; provides for appointment, by district judges, of voluntary forest fire wardens, to serve without pay; and empowers such wardens and all peace officers of the State, including deputy game and fish wardens, to make arrests, on warrants issued by any magistrate for violation of any of the State forest fire laws, or, without warrants for violations committed in their presence; and relieves them from civil liability for trespass for action taken in the discharge of their duties.

NEW YORK.

Chapter 401. Authorizes the State Commission of Highways to use stone, gravel, and sand, and to occupy a right of way on certain lands in the forest preserve for the purpose of constructing certain State and county highways, in order that the forest preserve may be made more accessible and that better means of communication may be provided for fire protection, and for policing the preserve for the protection of wild life, and the general safety.

Chapter 206. Amends subdivisions 6 and 7 of section 59, Article IV, of the conservation law (Consolidated Laws, ch. 65), in relation to the adjustment of claims growing out of appropriation of lands for forest preserve purposes; which amendments are as follows: (a) The authority granted the conservation commission to adjust claims for the value of property appropriated and for damages caused thereby is specifically stated to apply "even though a claim has been filed with the court of claims;" (b) the adjustment is required to be subject to the approval of the commissioners of the land office whenever the appropriation of property has been made under the provisions of the conservation law; and (c) the rights of the owner are defined in respect to filing with the court of claims a claim for the value of such land and damages.

Chapter 545. Amends the bond issue act (ch. 569, L. 1916) in regard to the acquisition of lands for State park purposes, by requiring that all or any portion of the debts authorized thereby which may be incurred in the future, shall be contracted only by the issuance and sale of bonds payable in 50 equal annual installments, the first to be payable 1 year from the date of issue, and the last payable 50 years from said date; and also stipulates that such of the provisions of the said earlier law as are not inconsistent with those of this amending act shall apply to the issuance and sale of such bonds; and adds the proviso that this act "shall not affect any statute heretofore enacted increasing the rate of interest from the rate prescribed in any such act."

Chapter 328. Amends section 36, Article III, of the conservation law (Consolidated Laws, ch. 65), by adding members of the State police to the list of officers with whom a violator of the conservation law may appear before a court or justice, for the purpose of compromising his civil liability.

NORTH CAROLINA.

Chapter 26. Authorizes counties to cooperate with the North Carolina Geological and Economic Survey in forest-fire protection within their respective boundaries, and empowers each county to appropriate therefor an amount not to exceed half the total amount expended therein by the survey for that purpose during any one year, with the proviso that the county may, in addition, agree with the survey to pay any part of or all the legitimate expenses incurred in extinguishing forest fires within the county.

OHIO.

House Bill No. 255. An act (containing secs. 1177-10e to 1177-10dd, Gen. Code) for the prevention and control of forest fires; which provides that the chief of the department of forestry of the Ohio Agricultural Experiment Station shall be ex-officio State forester, without compensation other than his regular salary as a member of the station staff, and his traveling and other expenses, and that he shall have supervision of firewardens, issue necessary regulations and instructions to them, and cause violators of forest fire laws to be prosecuted. The act also makes provision for appointment of local firewardens by the State forester, for a term of one year, with jurisdiction over such districts as the forester may determine, under approval of the board of control

of the experiment station, and also for the removal of such wardens by the State forester; which local firewardens, when so directed by the State forester, are required to establish two or more subdistricts in their respective districts, and to appoint residents thereof deputy firewardens therefor; and it is further provided that, in the absence of local and deputy firewardens, any township trustee may act as firewarden within his township. The compensation of local and deputy firewardens is fixed by the said board of control, and it is provided that laborers and owners of all property impressed for fire fighting shall receive reasonable compensation for their labor and material furnished, and the board is given power to make a final settlement. Both local and deputy firewardens are required to prevent and extinguish forest fires in their respective districts and subdistricts, to enforce all forest fire laws, to post such notices of the laws as the State forester may prepare, and to have charge of the forces engaged in fire fighting. They may also impress needed assistance for such work, and may arrest, without warrant, violators of forest-fire laws who are caught in the act, and bring them before the proper peace officer, for prosecution. Local firewardens are also authorized, during a season of drought, to establish fire patrols in their districts, and, when fire threatens any forest or woodland, both the local and deputy firewardens are required to attend and combat the fire. They are given power to destroy fences, plow land, or in an emergency, to set back fires, and are exempt from personal liability for their actions as firewardens, while acting within the scope of the law. The State forester is also empowered to appoint patrolmen or watchmen during dry seasons and within regions subject to great fire risks, with the proviso that no person shall be so appointed who has not been previously appointed a forest firewarden or deputy warden, and that preference shall be shown efficient wardens. The State forester is also authorized to establish a system of fire towers and observation stations to cover the regions subject to forest fires, and to incur the expense incident thereto. The kindling of fires in the open is regulated as follows:

(1) Owners and lessees of lands are required to extinguish fires on their own lands, as far as practicable, and neither they nor anyone in their employ may receive compensation for extinguishing fires thereon, nor may anyone receive compensation who is responsible for the spreading of a forest fire. When any owner or lessee neglects to extinguish such fires, the State forester is authorized to provide the necessary means and assistance, through the local firewarden—half the costs of the extinguishment being borne by the owner or lessee, and constituting a lien, recoverable as a special tax assessed against the property, and to be paid into the State treasury and credited to the general revenue fund; (2) written permission to kindle a fire is required from either the local firewarden, if the tract is public land, or from the owner or his agent, if the land is in private ownership; (3) removal of all combustible material within 20 feet surrounding the place where a fire is to be kindled, is required in advance of starting a fire in one's own woodland or authorizing another to do so, and such fires must be extinguished or covered before being left; (4) fires resulting from throwing down lighted matches, cigars, or other burning substances are classed as being within the provisions of both subdivisions (2) and (3), above, and all violators of said provisions are made subject to fine or imprisonment, or to both—the moneys received from such fines being paid to the general revenue fund of the State, after deducting one-half for the firewarden or other person who furnished information for the prosecution, but not to exceed \$50 in any one case; (5) willful setting fire to woods, grounds, or prairies, the property of another.

or maliciously permitting fire to spread thereto, from one's own lands, and cause injury, also subjects the offender to fine or imprisonment or both; (6) in districts having a regularly appointed firewarden, the kindling of fire outside of municipal limits or land controlled by any railroad company, for the purpose of burning brush, grass, rubbish, etc., between March 1 and June 1, and between September 10 and November 5, without having first obtained, from the firewarden of the district or subdistrict, written permission, stating when and where such fire may be kindled, renders the offender liable to a penalty involving fine or imprisonment, or both, except when the fire is kindled in a plowed field, garden, or public highway not less than 200 feet distant from any woodland or other land containing inflammable material or when a district or subdistrict is exempted by order of the State forester, as not requiring such protection; (7) in the absence of any firewarden to take control of wild fire, back-firing, for fire-protection purposes, on one's own land, public land, or land of another, with consent of the owner or occupant, is declared not unlawful; (8) all moneys received from fines under subdivisions (5) and (6), above are required to be paid to the State, and form a part of the general revenue fund.

Railroads are made subject to the following restrictions for fire-protection purposes: (1) Are held liable to the State for all lawful expenses incurred in extinguishing fires caused by any act of its employees or agents, or by sparks from its locomotives, or otherwise, on lands outside of its right of way, provided such fires occur in a district having a regularly appointed forest firewarden; (2) it is made the duty of every section foreman, upon discovering any fire in his section, to summon the necessary assistance and extinguish the fire and to give such assistance to the local and the deputy firewarden as may, from time to time, be requested; (3) all steam and electric railroad companies owning or operating lines of railroad within the State are required to put into effect such reasonable regulations for the prevention of forest fires as the State forester may deem necessary, provided such regulations be approved by the State Public Utilities Commission. The State forester is authorized to take needed action to provide for the prevention and control of forest fires in groups of districts, and is also empowered to cooperate with the Federal Government in the protection of forested watersheds of navigable streams within the State; and is required to appoint patrolmen, who shall receive such compensation as may be determined by the said board of control, which patrolmen are given power of arrest without warrant whenever violators of fire protection laws are caught in the act—the moneys received from fines imposed in such cases being disposed of as shown above in subdivision 4 of "fires in the open." The State forester is also authorized to declare a public nuisance, any property which by reason of its condition or operation is a special forest fire hazard, and as such endangers property. He is required to give due notice of such action to the owner of the property, or the person responsible for the condition thereof, and to advise him as to abatement or removal of the nuisance. In event of failure of the owner to take such action the State forester is required to do so, the cost to constitute a lien, recoverable as a special tax assessed against the property, which is to be paid into the State treasury and credited to the general revenue fund. The State forester is also required to collect information concerning violations of forest fire laws and present the same to the said board of control for legal action, and a fine of \$25 is provided in cases involving the offense of willfully or maliciously tearing down or destroying posted notices containing such laws. The disbursements of the State forester under this act are required to be paid from the appropriation

for firewardens, and there is also appropriated, out of any moneys in the State treasury to the credit of the general revenue fund and not otherwise appropriated, an additional sum of \$10,000 for carrying out the provisions of the act. Provision is also made for the purchase of State forest lands by a similar appropriation, from said general revenue fund of \$50,000.

House Bill No. 256. An act (containing sec. 1177-10d, Gen. Code), which empowers the board of control of the Ohio Agricultural Experiment Station to acquire suitable land for a State forest nursery, and requires that the board shall raise therein seedling trees of useful species for planting, and that it shall, on terms approved by it, distribute such seedlings for planting within the State; and makes an appropriation of \$10,000 for the purposes of the act.

House Bill No. 257. An act (containing sec. 5650-1, Gen. Code), which authorizes the governing body of any municipality, township, or county of the State to acquire, through gift, purchase, or condemnation proceedings lands suitable for the growth of timber, to be maintained and known as municipal, township, or county forests; provides for an annual tax levy, by such municipalities, townships, or counties, of not exceeding 3 mills on the dollar of their assessed real estate valuation, in addition to all other taxes authorized by law, for the purpose of procuring and maintaining such forests; and requires, in the case of forests acquired through purchase or condemnation proceedings, that they shall be managed under the direction of the State forester.

Senate Bill No. 241. An act (containing secs. 12,901-12,905, Gen. Code) which makes courses in fire-prevention study compulsory in the public, private, and parochial schools of the State, and requires a minimum of 15 minutes to be devoted to such study in each week during which the school is in session, subject to a fine of not less than \$5 nor more than \$20 for willful neglect to do so on the part of a teacher or instructor; and makes provision for supplying the necessary textbooks on the subject.

OREGON.

Chapter 50. Amends section 8971 of Oregon Laws, 1920, to provide (in cases of failure of owners of timberlands to furnish, as required, sufficient fire patrol therefor) that, when, in times and localities of unusual fire hazard adequate protection of the areas demands expenditure in excess of the limit prescribed by law, namely, 5 cents per acre per annum, the State forester, in providing the protection may, under approval of the State Board of Forestry, authorize sufficient expense to safeguard the timber properly, with the stipulation that such expense may not exceed the actual cost of the work performed; and requires that the reasons for the increased expenditure shall be furnished the owner by the State forester upon request therefor.

Chapter 51. Grants timber owners right of hearing before the State Board of Forestry on matters pertaining to the protection of their timberlands from fire.

Chapter 277. Amends section 8952 of Oregon Laws so as to substitute the West Coast Lumbermen's Association for the Oregon and Washington Lumber Manufacturers' Association as one of the bodies from which members of the State Board of Forestry may be drawn; and also amends section 8953 of said code to increase the maximum amount of compensation that may be allowed the State forester to \$3,600 per annum and the maximum salary of the deputy State forester to \$2,500 per annum.

PENNSYLVANIA.

Act No. 298. Further amends the general administration act (No. 9, L. 1901), as follows: (a) By empowering the State Forest Commission to sub-

divide the department of forestry into bureaus and offices, subject to the supervisory control and direction of the commission and the commissioner of forestry, and limiting the salaries of the chiefs of such bureaus and offices not to exceed \$5,000 per annum; (b) by authorizing the commission to divide the State into such forest districts as may be required for general administration purposes, and to assign district foresters to take active charge thereof, with other necessary help; (c) by requiring that the commissioner of forestry and all other of the higher ranking officers shall be trained in forestry, and especially qualified for their duties; and (d) by empowering the commission to provide by rules for any utilization of the lands and resources of the State forests compatible with the purposes for which they are created (which purposes are defined as follows: To provide a continuous supply of timber, lumber, wood, and other forest products; to protect the watersheds of the rivers and streams of the State; and to furnish opportunities for health and recreation to the general public); and (e) by authorizing and directing the commission to set aside, within the State forests, unusual or historical groves of trees or natural features especially worthy of permanent preservation, to make the same accessible and convenient for public use, and to dedicate them in perpetuity to the people of the State for their recreation and enjoyment. The act also limits the amount that may be expended for the acquisition of lands for State forests, in any biennium, not to exceed the appropriation therefor covering that period.

Act No. 299. Amends the act to establish a bureau of forest protection (No. 353, L. 1915): (a) By empowering the commissioner of forestry to appoint a forester in the employ of the department to be chief of said bureau, who by virtue of his appointment becomes chief forest firewarden, his compensation as such being his salary as chief of the bureau; (b) by making provision that the salary of the chief forest firewarden and his expenses, and all salaries and wages of the bureau shall be paid from the appropriation for forest protection; (c) by providing that when forest districts are created they shall become also forest fire-districts, and the district foresters in charge of them shall be, by virtue of their appointment, district firewardens, who receive compensation in their capacity as district foresters; (d) by authorizing the payment of all salaries, wages, and other expenses in connection with the administration of such districts to be made from the appropriations for forest protection, and from other items of appropriation for the department of forestry, respectively, in proportion as such expenses are incurred for forest protection or for other lines of administrative work of the department, the proportion to be paid from the appropriation for forest protection to be determined by the State forest commission; (e) by providing that local forest firewardens shall receive compensation at a rate per hour to be fixed, from time to time, by the commission, not exceeding a maximum of 50 cents per hour for time actually employed, and their expenses, the total amount that may be paid from the forest protection appropriation to a local forest firewarden in any one month being limited to not exceeding \$75, unless he shall have been regularly employed as a patrolman or otherwise; and (f) by increasing to 40 cents the maximum rate of wages per hour that (except as otherwise provided) may be paid persons who extinguish or help to extinguish forest fires.

Act No. 194. Empowers the State Forest Commission to exchange or sell portions of the State forest lands whenever the commission shall have determined and declared by a resolution (unanimously adopted at a meeting when a majority of its members are present and voting, and which has been approved by the governor) that such action will be advantageous to the State forest interests. The chief features in such transactions are as follows: (a) *In the*

case of exchange of lands: Such public hearing in the matter as the commission may prescribe; after which any State forest lands, together with the buildings, improvements, and appurtenances thereof may be exchanged for privately owned lands of equal or greater value, which are at least equally adapted to State forest purposes, the deed on behalf of the State being executed by the governor, and delivered upon receipt of a deed for the privately owned lands, duly executed, and approved by the attorney general; whereupon the lands so granted to the State become a part of the State forests. (b) *In the case of sale of lands:* Due advertisement of proposed sale; after which any State forest lands, together with the buildings, improvements, and appurtenances thereof, declared by the above-mentioned resolution to be more valuable for other use than for State forest purposes, and not needed for use in the administration and protection of the State forests may be sold to the party offering the highest price therefor, the deed on behalf of the State being executed by the governor, and delivered after the purchase price shall have been paid in full. All receipts from the sale of any State forest lands are required to be deposited in the treasury and appropriated and made available until expended for use separately or in conjunction with any other appropriations for the acquisition of land for State forest purposes.

Act No. 129. Amends the statute which enables the Federal Government to purchase lands within the State for national forests by repealing the authority therein given to revest in the State titles to lands acquired for such purpose.

Act No. 195. Authorizes the planting, by county commissioners and city and borough councils, of trees and groves to memorialize Pennsylvanians who died in the service of the United States; and directs the department of forestry to assist in the work, as far as practicable, by supplying, upon request, trees from the forest tree nurseries conducted by the department and by helping to determine the form of exercises appropriate on such occasions.

Act No. 353. Repeals the act (No. 289, L. 1919) which provided for the acquirement of lands through condemnation proceedings, for State forest purposes, and re-enacts and expands its provisions to include also lands desirable for game preserves or for the perpetuation and protection of fish.

RHODE ISLAND.

Chapter 2077. Further amends the forest firewarden act (ch. 451, L. 1909, as amended by ch. 587, L. 1910) by changing the months in which appointments of town forest wardens shall be made annually by the various town councils from "March or April" to "January or February," and likewise in the similar case of the appointment of district forest wardens the period is changed from "April or May" to "February or March."

Chapter 2025. Makes courses in fire-prevention study compulsory in the public schools of the State.

SOUTH DAKOTA.

Chapter 340. Prohibits the molesting of any fire-tool boxes or any fire tools, implements, or equipments furnished and located by the State or Federal Forest Service upon any of the public lands or elsewhere within the State, except when necessary in case of fire, under penalty of a fine of not less than \$100, nor more than \$500, or by imprisonment in a county jail for not less than 30 days nor more than 6 months, or by such fine and imprisonment.

TENNESSEE.

Chapter 156. Creates the Bureau of State Forestry, under direction of a State Forestry Commission, composed of the governor (ex officio the chairman), the president of the University of Tennessee, the chancellor of Vanderbilt University, the vice-chancellor of University of the South, the president of Lincoln Memorial University, the State commissioner of agriculture, and the State superintendent of public instruction, all to serve without compensation except expenses; and providing for a technically trained State forester, with not less than two years' experience in professional forestry work, who, under the supervision of the commission, has direction of all matters pertaining to the conservation and protection of forests within the jurisdiction of the State. The State forester is required to appoint, subject to approval and confirmation of the commission, an office clerk and a field assistant in waste land reclamation work at a salary, each, of not exceeding \$1,200 a year, and also, from time to time, needed patrolmen and other helpers in preventing and extinguishing forest fires—their compensation to be fixed by the commission. The State forester is also required to direct attention to the danger of forest fires and the importance of preventing and extinguishing them, by posting suitable notices at advantageous locations, and to promote an appreciation, on the part of the rising generation, of the importance of forest protection and soil reclamation, by preparing for distribution among the schools of the State suitable printed matter on the subject of forestry. It is made his duty to cooperate with the Federal Government, State departments, and landowners along such lines as will assure to the State the perpetuation of its forests, the promotion of tree growth and tree planting, and the redemption of waste land for agricultural purposes; and he is required to collect and distribute data concerning forest problems and conditions, to urge the enforcement of forestry laws, and to make report and recommendations, biennially, to the governor and general assembly, upon the progress and condition of the State's forestry work. Provision is made for carrying on the forestry work under the direction of said commission—especially protection against forest fires and the reclamation of waste lands—by an appropriation of \$17,500, annually, for two years, or so much thereof as may be needed—\$7,500 of the amount being for salary and office expenses, and \$10,000 for cooperative work with the Federal Government; and all existing provisions which may be in conflict with the act are repealed thereby.

Chapter 157. Makes compulsory the study of forestry and kindred subjects in the public schools of the State and its municipalities.

VERMONT.

Act No. 17. Amends certain sections of the General Laws of Vermont so as to provide that Forest fire wardens shall receive the same pay for time spent in investigating damages caused by forest fires, as they receive for time spent in actual fire-fighting; and that the making of forest fire reports by them, to the State forester, shall not be a charge against the towns, but that they shall receive, from the State forester, \$1 for each such report.

Act No. 104. Amends the general requirements concerning the issuance of bonds for municipal improvements, by adding thereto a special provision concerning municipal forests, as follows: "In the case of bonds issued for the purchase or development of a municipal forest, the first payment may be deferred not more than 30 years from the date of issuance thereof, and thereafter

such bonds shall be payable serially in substantially equal amounts so that the entire debt will be paid in not more than 60 years from the date of issue."

Act No. 16. Makes an annual appropriation of \$7,500 to carry out the provisions in section 466 of the General Laws, concerning the purchase of lands for State forests and the administration thereof.

WASHINGTON.

Chapter 7. Reorganization act. Creates a department of conservation and development, with the chief executive, to be known as the director of conservation and development, appointed by the governor, with the consent of the senate, to hold office at the pleasure of the governor; and a division of forestry, with an executive officer, to be known as supervisor of forestry; empowers the director to exercise and perform all of the powers and duties previously vested in the State Board of Forest Commissioners and the State forester; abolishes said board and the office of State forester; and makes the further transfer provisions necessary in effecting the reorganization.

Chapter 64. Amends the patrol law (ch. 105, L. 1917), chiefly by declaring that a finding, by the State forester, to the effect that a tract of cut-over land or slashings constitutes a public nuisance, shall be *prima facie* evidence of such fact.

Chapter 102. Amends chapter 125 of Laws 1911, in the following particulars: Provides that the salaries and necessary expenses of all wardens, together with all wages and expenses incurred for help and assistance in forest fire protection, shall be fixed by the director of conservation and development, through and by means of the division of forestry, after his assumption of office, the wages and salaries to be based on, but not to exceed, going wages and salaries for similar work; changes the limits of the period designated as the closed season (during which a permit is required for burning any forest material in counties in which there is a warden or ranger), to read as follows, "beginning the first day of May west of the summit of the Cascade Mountains, and the first day of June east of the summit of the Cascade Mountains and ending, unless sooner ended by proclamation of the Governor, on the first day of October in each year;" excepts the setting of fires for necessary lumbering operations or at the proper places on camping grounds which have been prepared and designated for recreation purposes, from certain restrictions placed upon the general setting of fires in the open, and provides for the designation and preparation of suitable camping grounds; omits the previous provision for damages in civil suit; forbids the kindling of fire during the closed season without a permit from the proper forest officer, except for necessary lumbering or rightful camping purposes; adds a proviso that nothing in such provisions shall absolve any person from liability on account of negligence; and empowers the said director to receive and disburse, through the division of forestry, any and all moneys contributed, allotted, or paid by the United States for use in cooperation with the State in protecting and developing forests.

Chapter 169. Authorizes the director of conservation and development to acquire by purchase or gift lands chiefly valuable for the purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the State, as State forests; limits the purchase price thereof to not to exceed \$5 per acre, with the proviso that the said director may also acquire such lands by purchase, at a price not to exceed \$1 per acre, or by gift, reserving to the vendor, or donor, all oils, gases, coal, minerals and fossils of every kind, or any of them, which may be in or upon the lands, and the right to enter thereon for the purpose of prospecting for or opening, developing, and working mines and removing therefrom the materials

reserved; requires proper record, by the commissioner of public lands, of land designated as State forest lands, and that the same be, thereafter, reserved from sale or lease, with the proviso, however, that the timber thereon may be sold upon notification by the director to the commissioner that the timber is suitable for sale; and with the further proviso that the lands shall be subject to lease under the mineral laws of the State, conditioned upon the leasing not interfering with or impairing the use of the lands as State forest lands; authorizes the director to seed and develop forests on any such lands, and to provide therefor the necessary care and fire protection; directs that the commissioner of public lands, supervisor of forestry, and supervisor of geology shall, on or before January 1 of each year, report to the director any logged-off or deforested lands belonging to the State or in private ownership, coming to their knowledge, suitable for State forest purposes; and makes an appropriation of \$5,000, payable out of the reclamation revolving fund of the State, for carrying out the provisions of the act.

Chapter 67. Declares it unlawful to commit any act which shall expose to the hazard of fire the forests or timber within what is commonly known as the "Cyclone-timber" area in the State of Washington, namely, all lands therein lying west of a line 1 mile west of the eastern boundary of Range 10 west of the Willamette Meridian and north of the north boundary line of Grays Harbor County; empowers the governor to make and promulgate rules and regulations for the preservation and protection of the said forests and timber; provides that the violation thereof shall constitute a gross misdemeanor; appropriates \$100,000, or so much thereof as may be necessary, to be expended by the governor to protect and preserve such forests and timber from damages or destruction by fire; and authorizes the governor to appoint and duly empower the necessary agents or employees for the work.

WEST VIRGINIA.

Chapter 116—Reorganization Act. Creates a game and fish commission, to be composed of three members appointed by the governor with the advice and consent of the senate; transfers to the commission the responsibility of protecting the forests of the State from injury by fire, and of caring for and promoting the State's forestry interests, in general; amends, revises, and reenacts existing forestry and forest fire provisions to make them conform to this general reorganization of the administrative and protective force; empowers the commission to appoint local protectors for each county for forest fire protection work, at the rate of \$3.50 per day when actually engaged in fire fighting; requires that all services rendered at forest fires, except those rendered by a chief game protector or game protectors, be charged against the county in which the fire occurred; empowers the commission to cooperate with the Federal Government in respect to forest fire protection, and appropriates therefor \$10,000; and, also, to cooperate for the same purpose with owners of forest lands, and authorizes the commission to receive financial assistance from the owners thereof, and to take all necessary protective measures, including the establishment and maintenance of patrol routes and lookout stations, the expenditures to be confined to State appropriations for said purposes, in connection with such moneys as may be contributed by the private owners, and such part of the funds derived from game and fish licenses as the commission may deem advisable to so use, within a maximum limit of 25 per cent of the license fund for that year; and provides certain additional penalties for violations of the act. ¹

Chapter 11. Makes a course in fire-prevention study compulsory in all public, private, and parochial schools of the State.

WISCONSIN.

Chapter 181. Grants the State Conservation Commission authority, under the approval of the governor, secretary of state, and state treasurer, to purchase from counties lands which have been acquired at tax sales, when such lands are adapted to forestry purposes, with the stipulation that the purchase price thereof shall not exceed the amount due the county for taxes, interest, and charges; and provides that any unexpended surplus remaining in the conservation fund may be expended for such purchases, subject to the approval of the governor, secretary of state and state treasurer.

Chapter 337. Amends certain provisions concerning forest fires, chiefly as follows: (1) By providing that each conservation warden, forest ranger or Federal patrolman or other employee of the conservation commission shall be a special firewarden at large, who shall assist and cooperate with the town and assistant town firewardens, with the proviso that, should occasion at any time so demand, their duties and authorities shall be the same as those of the town and assistant town firewardens; (2) by increasing the compensation of such firewardens, and of those assisting them, from 20 cents to 35 cents per hour for the time actually employed; and (3) by providing that the expense of fire fighting by such wardens and those assisting them shall be borne by the town in which the expense is incurred.

Chapter 364. Requires that all moneys received by the State Conservation Commission from the United States, for fire prevention, under the Weeks Law, shall be paid into the general fund within one week of receipt, and appropriates the same to the commission, for the prevention and control of forest fires; and also appropriates to the commission, from the conservation fund on July 1, 1921, \$25,000, and on July 1, 1922, \$14,600 for permanent property and improvements, except road work or improvement work on the State parks.

Chapter 362. Appropriates, annually, \$4,000 for growing desirable Wisconsin forest trees at the State nursery at Trout Lake, Wis., such trees to be distributed to farmers and other Wisconsin landowners for planting in Wisconsin under the direction of, and on such terms as, the conservation commission may determine.

Chapter 30. Authorizes towns, villages, and cities to purchase and reforest cut-over lands or lands bare of trees, as memorial parks, in honor of their sailors, soldiers, and marines who served in the World War, the care and maintenance of such parks to be in charge of a commission, appointed as provided by law (see subdivisions (3) and (4) of section 45057 of the Statutes).

Chapter 225. Makes courses in fire-prevention study compulsory in the public schools of the State.

Joint Resolution No. 29, S. Offers an amendment to section 10 of Article VIII of the State constitution empowering the State to appropriate moneys for the purpose of acquiring, preserving, and developing the forests of the State; but limiting appropriations therefor not to exceed, in any one year, 0.2 mill of the taxable property of the State.

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